



# MAYOR AND COUNCIL AGENDA

NO. 22

DEPT.: Community Planning and Development Services DATE: December 15, 2004

CONTACT: Scott E. Parker, AICP, Planner III

**ACTION:** Adoption of Resolution for Planned Residential Unit (PRU) PRU2004-00021, Mid-City Urban, M.C.U., LLC, to redevelop the 65-Unit Lincoln Terrace Housing complex with 53 single-family attached units and 7 single-family detached units.

Application is for the Exploratory Plan phase of the two-part PRU approval process. A Detailed Application for approval of the Planning Commission follows the Exploratory Plan.

## ACTION STATUS:

**FOR THE MEETING OF:** 01/10/05

INTRODUCED

PUB. HEARING 11/01/04

INSTRUCTIONS 12/06/04

APPROVED

EFFECTIVE

**ROCKVILLE CITY CODE,**

CHAPTER

SECTION

☐ CONSENT AGENDA

**RECOMMENDATION:** Adopt the Resolution of approval for PRU2004-0021.

**IMPACT:** ☐ Environmental ☐ Fiscal ☒ Neighborhood ☐ Other:

Redevelopment of the Lincoln Terrace Housing Complex would replace public housing with housing choice options within single-family residential units that are compatible with the surrounding community.

## BACKGROUND:

The Applicants have applied for a Planned Residential Unit (PRU) special development procedure for the subject property. The Zoning Ordinance contains a number of special development procedures that are intended to provide a flexible approach to the development of property within certain zones. The PRU process permits design of residential development by the use of flexible development standards, such as lot coverage and setbacks, while preserving open spaces or natural features. Other special development procedures also include the Residential Townhouse, Variable Lot Size and Cluster Development.

Review of the PRU application occurs in two stages. The first phase is the Exploratory Phase, which sets key parameters for the development, such as maximum densities, general street layout, development standards (setback, height, etc), basic design characteristics, and the location of open space preservation areas. The Planning Commission forwards a recommendation to the Mayor and Council, who review and ultimately approve or deny the Exploratory Application. Upon approval, the applicant must apply for the second phase of a PRU review, which is the Detailed Application.

The Detailed stage occurs by the Applicant applying for a Detailed Application, which is reviewed and ultimately approved or denied by the Planning Commission. The Detailed Application includes more comprehensive and detailed information about the project. Some of these items would include a comprehensive landscaping plan, open space amenities, final street designs and layout, final locations and designs of stormwater management facilities, utility plans, specific site grading, architectural design guidelines and legal documents for the conveyance and maintenance of public and private open space.

## **PROPOSAL:**

The subject of the application is the redevelopment of a Rockville Housing Enterprises complex along Moore Drive, between Westmore Avenue and Frederick Avenue. The proposal is to replace 60 units within ten, two-story multi-family apartment buildings, with 60 units in the form of single-family attached and detached units. The proposal will take the form of seven single-family detached units and 53 townhouse (attached) units on approximately 5.39 acres of land. Twenty of the units will be market rate units, twenty-two units will be moderately priced dwelling units, defined as income eligible at 60-80% of median income, and 18 of the units will be subsidized "housing choice voucher" housing.

The existing complex is currently vacant, with all of the families relocated by Rockville Housing Enterprises (RHE) in advance of this project. There is also a building on the property that houses offices for RHE. The current zoning is R-60, with a City code amendment approved in 2002 that modified the MPDU process. This amendment stated that when approving an exploratory application for a Planned Residential Unit (PRU) for the redevelopment of an existing public housing project, the Mayor and Council may authorize up to the same number of units that existed in the public housing project before redevelopment.

The details of the proposal are outlined within the attached Planning Division Staff Report (attachment 1). Within the report is a detailed analysis of the history of the project, the numerous goals addressed through the evaluation of the plan, as well recommended conditions for approval, most of which will carry over to the detailed Application stage. Other items that are addressed include stormwater management, landscaping and forestry, public art, and Master Plan compliance.

## **PRIOR MEETINGS:**

The Planning Commission considered the Exploratory Application for PRU2001-00020 on Wednesday, October 13, 2004 as required by Section 25-556(a) of the Zoning Ordinance. Consistent with Section 25-124, the Planning Commission submitted a written recommendation to the City Clerk for inclusion in the public record of the subject application.

The comments from the Planning Commission were overwhelmingly positive, and a recommendation of approval was given on a 6-1 vote, with Commissioner Mullican casting the only dissenting vote. Commissioner Mullican stated she felt that an opportunity existed here for more dense affordable housing in multi-family units, if the required zoning changes were in place. She advocated making those changes.

Subsequently, the Mayor and Council conducted a Public Hearing on the item on November 1, 2004. Seven members of the community spoke in favor of the item, with one resident speaking in opposition to the application. The Mayor and Council left the record for this proposal open until 5:00 pm on November 15, 2004. As of that date, no further testimony had been submitted.

During the Discussion and Instructions to Staff on December 6, 2004, the Mayor and Council had

requested that Mid-City Urban provide elevations for the various buildings that were to be constructed at the site. The applicant has provided those elevations, and they are attached for review (Attachment 3).

#### RECOMMENDATION:

This project is a significant step forward in upgrading public housing within the City of Rockville. It has been difficult at times to accomplish the numerous goals of the applicant, the City, and the future residents of this project, given the numerous constraints on the site and the number of units required to make the project feasible. Staff believes that the current version of the plan achieves the applicable goals and is a workable plan that functions aesthetically and fiscally. We feel that this plan will create a vibrant redevelopment that will accomplish a significant goal of providing decent, livable, affordable housing.

#### NOTIFICATION:

Notices were sent to approximately 400 residences and businesses in the Lincoln Park and East Rockville neighborhoods, as well as the association presidents of Lincoln Park and East Rockville.

#### PREPARED BY:

  
\_\_\_\_\_  
Scott E. Parker, AICP, Planner III

12/16/04  
Date

#### APPROVE:

  
\_\_\_\_\_  
Robert Spaulding, AICP, Chief of Planning

12.16.4  
Date

  
\_\_\_\_\_  
Arthur D. Chambers, AICP, Director

12/20/04  
Date

  
\_\_\_\_\_  
Scott Ullery, City Manager

1/15/05  
Date

#### LIST OF ATTACHMENTS:

1. Planning Division Staff Report
2. Proposed Resolution
3. Elevations of the Proposed Buildings

CITY OF ROCKVILLE PLANNING DIVISION  
STAFF REPORT

October 7, 2004

ATTACHMENT 1

**SUBJECT:**

**Planned Residential Unit  
(PRU) application PRU2004-  
00021, Exploratory Plan**

**Applicant:**

Mid-City Urban  
(Lincoln Terrace M.C.U.  
L.L.C.)  
8403 Colesville Rd,  
Suite 400  
Silver Spring, MD 20910

**Owner:**

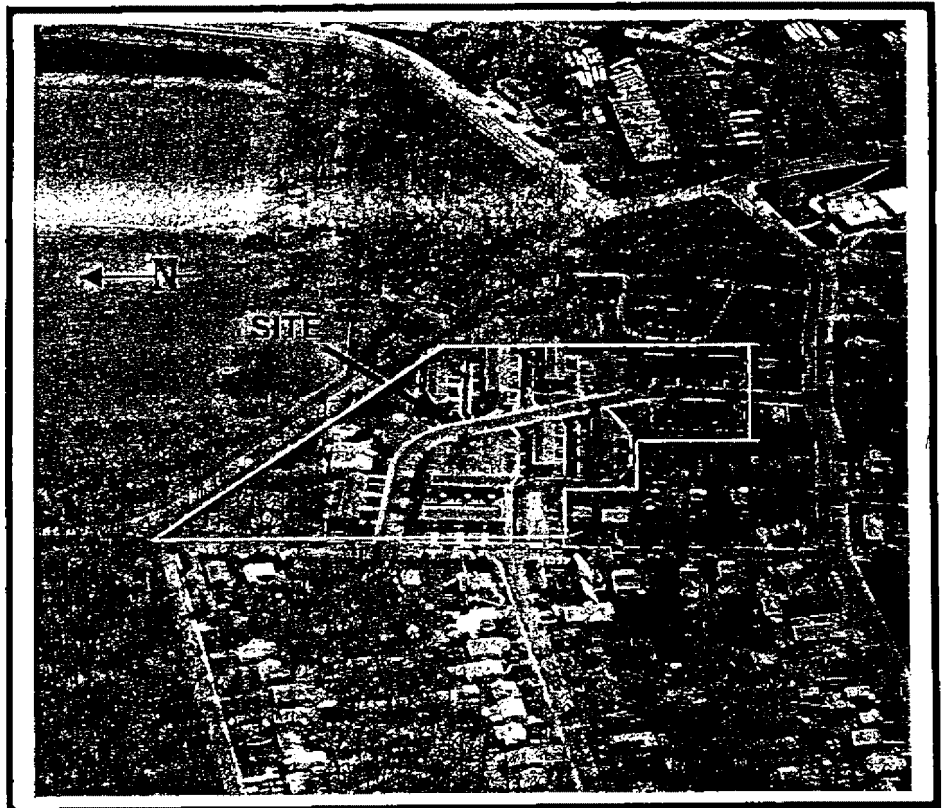
Rockville Housing  
Enterprises (RHE)

**Date Filed:**

February 2, 2004

**Location:**

Moore Drive, between  
Frederick Avenue and  
Westmore Avenue.



**BACKGROUND:**

The Applicant has applied for a Planned Residential Unit (PRU) special development procedure for the subject property. The Zoning Ordinance contains a number of special development procedures that are intended to provide a flexible approach to the development of property within certain zones. The PRU process permits design of residential development by the use of flexible development standards, such as lot coverage and setbacks, while preserving open spaces or natural features. Other special development procedures also include the Residential Townhouse, Variable Lot Size and Cluster Development.

Review of the PRU application occurs in two stages. The first phase is the Exploratory Phase which sets key parameters for the development, such as maximum densities, general street layout, development standards (setback, height, etc), basic design characteristics, and the location of open space preservation areas. The Planning Commission forwards a recommendation to the Mayor and Council, who review and ultimately approve or deny the Exploratory Application. Upon approval, the applicant must apply for the second phase of a PRU review, which is the Detailed Application.

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The Detailed stage occurs by the Applicant applying for a Detailed Application, which is reviewed and ultimately approved or denied by the Planning Commission. The Detailed Application includes more comprehensive and detailed information about the project. Some of these items would include a comprehensive landscaping plan, open space amenities, final street designs and layout, final locations and designs of stormwater management facilities, utility plans, specific site grading, architectural design guidelines and legal documents for the conveyance and maintenance of public and private open space.

### REQUEST:

The subject of the application is the redevelopment of a Rockville Housing Enterprises complex along Moore Drive, between Westmore Avenue and Frederick Avenue. The proposal is to replace 60 units within ten, two-story multi-family apartment buildings, with 60 units in the form of single-family attached and detached units. The proposal will take the form of seven single-family detached units and 53 townhouse (attached) units on approximately 5.39 acres of land. One third of the units will be market rate units, one third will be moderately priced dwelling units (MPDUs), and one third of the units will be subsidized housing. The existing complex is empty except for a few families, due to a relocation effort by RHE in advance of this project. There is also a building on the property that housed offices for the Rockville Housing Enterprises. The current zoning is R-60, with a City code amendment approved in 2002 that modified the MPDU process. This amendment stated that when approving an exploratory application for a Planned Residential Unit (PRU) for the redevelopment of an existing public housing project, the Mayor and Council may authorize up to the same number of units that existed in the public housing project before redevelopment.

### RELEVANT ISSUES and PROPOSAL:

During the course of the review of this project, a number of issues emerged and needed to be addressed. Staff and the applicant have had numerous meetings to work out a high level of detail for an Exploratory Plan. This level of detail and review was required given the number of challenges presented with the redevelopment of this project.

In order to make the replacement of the public housing complex cost effective, the 60-unit number has had to remain in place. This led to a series of challenges in the development of the site plan, given the relatively small size of the property. Second, it is anticipated that HOA will not be able to fund significant maintenance responsibilities. Staff and the applicant have worked together to minimize HOA responsibilities. This is directly related to 1/3 of the units being subsidized housing, 1/3 moderately priced dwelling units (MPDUs), and 1/3 market-rate units. It is anticipated that the market rate units will be the single-family homes and some of the townhouses. ~~They will also be paying a preponderance of the HOA fees.~~

The first version of the plan presented to Staff showed a number of rear-loaded garage townhouses and units that fronted on Horners Lane. Horners Lane does not have curb and gutter, and the townhouses could not front on this road without significant cost to rebuild the road. In addition, the plan showed numerous private alleys and drives that would have to be maintained by a Homeowners Association (HOA). This plan also resulted in minimal tree preservation and left little room for landscaping, afforestation and street trees. The City tasked the applicant with revising the plan,

stating that in effort to reduce future costs and burden to any future HOAs that Rockville would accept ownership and maintenance of an open space parcel to be used as a park adjacent to Horners Lane and Westmore Avenue. The City also said that if the required Stormwater Management facility was increased to provide water quality treatment for a minimum of offsite water runoff, then the City would also take responsibility for the maintenance of the facility.

The second version of the plan presented to the City addressed the issue of frontage on Horners Lane and accommodated the park, resulting in increased tree preservation, and stormwater management facility. What it also did, however, was create more alleys and private drives, as well as twice as much infrastructure in the form of water and sewer lines that would require maintenance, and still left little room for tree planting.

The applicant and staff held a series of meetings to try and develop a solution that better addressed the balance of the previously stated goals. The result was a plan that had all of the townhouses fronting on Moore Drive with front-loaded garages. While accommodating the goals of reduced infrastructure and maintenance costs for the HOA, other issues were created, including an uninteresting streetscape, and a lack of street parking and inaccessible open space behind the units.

The current plan reduces HOA responsibilities by minimizing HOA maintenance. This occurs by dedicating parkland, providing a regional stormwater management facility and eliminating private alleys. The new plan that is part of this application also shows an access drive, which will be part of the public right-of-way. This access drive area will have townhouses around it, and a large landscaped area between the access drive and Moore Drive. The plan also provides on-street parking, sidewalks, tree lawns, tree preservation and space for adequate replacement planting, as well as afforestation. Staff feels that this plan represents the best compromise to achieve the goals necessary to make this important project feasible and workable, now and into the future.

### Development Standards

As permitted in the Zoning Ordinance under the regulations relating to the Planned Residential Unit developments, development standards may be waived as part of the approval process. The Applicant has proposed the following development standards:

	Min Lot size	Front Setback	Side Yard setback	Rear yard Setbacks
Single Family Detached	3,615 sq. ft	18' min	0' or 3' min	10' min
Townhouse	1,400 sq. ft	20' min	0' min	8' min

Single Family Detached Minimum Buildable Area: 1,376 sq. ft (32' X 43')  
Height (single family detached and townhouse): three (3) stories

Staff has analyzed the proposed setbacks and requested height and feels that some changes should be made. While the applicant has not finalized the design of the units, staff finds that the side yards of the single-family houses are too small. Side yard setbacks of the proposed size are not conducive to proper maintenance within the side yards or the placing of air conditioning compressor units.

The neighborhood surrounding this project is an R-60 zoning district, comprised of single-family detached dwelling units that require an eight-foot side yard setback (seven feet for a qualifying undersized lot) and 20-foot rear yard setback requirements. One of the goals of the design of this project was to have the single-family detached house on the periphery of the project in order to integrate the project into the surrounding community better.

Staff realizes, however, that the number of units required for this site make larger lots and setbacks impractical. Therefore, staff recommends that the development standards reflect minimum setback standards for the single-family detached houses of four feet on the side. These setbacks reflect the minimum necessary to achieve a comfortable and functional design that is sensitive to the adjacent neighborhood, as well as respecting the constraints of the development area.

With respect to rear yard setbacks for the townhouses, staff feels it would be more appropriate to have a 10-foot rear yard setback in order to create a more comfortable space, in addition to allowing the appropriate placement of a deck or patio.

Staff also believes that development standards for decks and accessory buildings should be established. Staff recommends that decks throughout the neighborhood be allowed to within four feet of the rear property line. With respect to accessory structures, language should be added to state that an accessory structure shall not exceed 10% of the smallest lot within the subdivision (1,400 sq. ft.), nor shall it exceed a 25% rear yard lot coverage. Height shall be limited to 15'. This is consistent with current Ordinance requirements.

The height of the buildings is another area that staff feels should be amended. While the proposed neighborhood has site constraints, as well as the inability to provide "walk-out" or basement conditions because of topographical issues, it is staff's opinion that the heights be the same as the allowable height in the underlying zone, which is 35 feet.

As a result of these comments, staff proposes the following amended development standards:

	Min Lot size	Front Setback	Side Yard setback	Rear Yard Setbacks
Single Family Detached	3,600 sq. ft	18' min (house and garage)**	4' min*	10' min
Townhouse	1,400 sq. ft	20' min	0' min*	10' min
Decks			4' (for single family detached, 0' for townhouses)	Within four feet of any rear lot line

Single Family Detached Minimum Buildable Area: 1,376 sq. ft

Height (single family detached and townhouse): 35-feet

Accessory buildings: Accessory structure shall not exceed 10% of the smallest lot within the subdivision (1,400 sq. ft.), nor shall it exceed a 25% rear yard lot coverage. Height shall be limited to 15'.

\* There shall be no condenser units, heat pumps, etc., within the side yards

\*\* A single family house on a corner lot may have an 12-foot setback from Moore Drive, provided there are no driveways.

## ANALYSIS

### Property Description

The subject property is located on approximately 5.39 acres of land within the Lincoln Park neighborhood. As stated before, Moore Drive is the primary road that serves this property, and connects Westmore Avenue to Frederick Avenue. The property is zoned R-60, and is flat. The property has a series of ten, two-story buildings that are currently empty due to a relocation effort. The utilities for these buildings are located throughout the complex and in the right-of-way, including steam lines.

The property is bordered on the south by a parking lot for a neighborhood church. On the west is part of the Lincoln Park neighborhood, comprising of single-family detached homes. To the north is a large Washington Gas storage area. This gas storage area is not within Rockville, effectively making this project on the border of the City.

### Background

Rockville Housing Enterprises, the City's housing authority, has, with the approval of the Mayor and Council, entered into an agreement with Mid City Urban LLC to redevelop the forty-six year old Lincoln Terrace public housing property at Moore Drive as sixty new owner occupied dwellings. Plans for the redevelopment of the public housing have been under discussion between RHE and the City for a number of years. Mid City Urban was selected as developer in response to a Request For Proposals issued by RHE.

In March 2002, the Mayor and Council concurred in the execution of a Master Development agreement between the housing authority and Mid City. In August 2003, the U.S. Department of Housing and Urban Development granted its approval to move ahead with the plans to raze and redevelopment to the property as a mixed income owner occupied community. Low-income families eligible for the Section 8 Home Ownership program will purchase eighteen of the proposed sixty units. Priority will go to current Public Housing residents, the relocated households or participants in the RHE Section 8 program. Twenty-two units are set-aside for households having incomes between 60-80% of the area median income. Another twenty units will be sold at market rate to households with incomes exceeding 80% of the median income.

The residents of Lincoln Terrace are being relocated to privately owned housing with the assistance of Section 8 "Housing Choice" rent supplement vouchers. Those residents who wish to remain in public housing are being relocated to Davis Scull Court at First Street. At the time of this report, only one of the 65 existing apartments are occupied, and some staff members of Rockville Housing Enterprises.

Demolition of the buildings will take place after the buildings are vacant and the RHE offices are relocated to David Scull Court.

## **MASTER PLAN and NEIGHBORHOOD PLAN COMPLIANCE:**

The Draft Lincoln Park Neighborhood Plan reaffirms the City's commitment to the historic residential character of Lincoln Park. The draft neighborhood plan specifically recommends the redevelopment of Lincoln Terrace as a mixed-income community with a mix of single family attached and detached units.

The Plan also supports a strong preservation component. In July of 2004, the Mayor and Council authorized staff to begin work with a neighborhood preservation committee to develop a plan to preserve the character and history of Lincoln Park and allow compatible new development and improvements to existing homes. The historic and existing development pattern is modest single-family detached homes on long narrow lots averaging about 10,000 square feet. The properties were largely owner-occupied or occupied by long-term tenants.

The subject area was not one of the original platted subdivisions of Lincoln Park but was subdivided by deed. Some tracts, such as the Davis family properties, were purchased as a large parcel and subdivided for family members. In the late 1950s, eight multi-family dwelling units were constructed on the subject parcel. This development was a departure from the established character of the area.

The adjacent area consists of single-family detached housing, with a variety of lot sizes. The land on the north side of Westmore Avenue was a generational subdivision by deed and the lot size ranges from 31,840 square feet at 807 Westmore to 6,400 square feet at 811 and 813 Westmore. The adjacent lots at 300 and 304 Frederick Avenue are 10,395 and 11,427 square feet respectively. To the east of the development is the 1918 Galilean Fisherman's Cemetery. Typical lots in England's Second Addition to Lincoln Park to the west are about 10,000 square feet with one to two story detached single-family houses. Single family detached houses form the streetscape character of Frederick and Westmore in this area.

One stated goal of the Draft Neighborhood Plan is to discourage or mitigate later development which is not in character. The return to single family detached and attached dwellings under private ownership satisfies this recommendation of the draft master plan. The layout and design is sympathetic to the surrounding residential character and development because the single-family detached units are either along or close to the existing street frontages, with the townhouse units located internal to the site.

## **STAFF RECOMMENDATION**

Approval is recommended, subject to the following conditions:

1. Submission, for approval by the Chief of Planning, of eleven (11) copies of the site plan, revised according to Planning Commission Exhibit A and a Landscape Plan according to Exhibit B.
2. Submission, for approval by the Department of Public Works (DPW), of the following detailed plans, studies and computations:
  - a. Stormwater management (SWM) plans
  - b. Sediment control plans

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- c. Public improvement plans (storm drain and paving, street tree and lighting)
  - d. Signing and pavement markings
  - e. Drainage study with computations and drainage area map
  - f. Any additional notes on the plans.
3. Post bonds and obtain permits from DPW.
4. Submission, for approval by the City Forester, of the following detailed plans, agreements and computations:
  - a. Forest Conservation Plan showing tree preservation areas, on-site afforestation and significant tree replacement.
  - b. Landscape plan.
  - c. Applicable forest conservation easements, maintenance agreements and bonds.
5. Maintain 10-foot PUE between Lots 20 and 21.
6. All underground transformers to service the site will need to be shown.
7. The Development standards shall be modified to reflect the amended criteria as presented within this report.
8. Submission, for approval by the Mayor and Council, of an application for a street closing and abandonment for portions of Moore Drive

## TRANSPORTATION

### Traffic

Transportation staff has evaluated the project and has determined that there will be no significant impacts as a result of the redevelopment of this project. Moore Drive will be shifted slightly from its present alignment in order to accommodate this site layout. Accordingly, portions of the existing Moore Drive right of way will need to be abandoned and additional areas will need to be dedicated. The existing right of way is forty (40) feet and the proposed width is fifty (50) feet.

### Parking

As stated previously, the plan has been amended numerous times. All of the units will provide the Code-required two off-street parking spaces within garages or driveways. In addition, there will be approximately 15 on-street spaces that have been provided in the latest iteration of the plan. Most will be located in the vicinity of the access drive that has been incorporated into the plan.

### **Pedestrian Access and Bicycle Paths**

Pedestrian and bike access will be provided along Moore Drive, connecting to the surrounding streets of Westmore Avenue, Frederick Avenue and Horners Lane.

### **Transit**

Bus service is provided along Horners Lane. Transportation staff had originally recommended requiring the developer to contribute \$6,500 towards the construction of a bus shelter adjacent to the site. Police and Neighborhood Services staff have raised safety concerns about the construction of a bus shelter and have recommended that a bus shelter not be required at this time.

### **Moderately Priced Dwelling Units (MPDUs)**

Twenty of the sixty proposed units will be part of the MPDU program and an additional 20 will be subsidized below MPDU prices. The combined 662/3% of the homes at or below the MPDU guidelines greatly exceeding the 12.5% requirement. The Section 8 Homeownership Program will also be utilized to meet the MPDU requirement.

## **STORMWATER MANAGEMENT**

### **Environmental**

The subject property is in the Rock Creek Watershed. The applicant has worked closely with staff to develop a SWM plan that provides water quality management for more than the subject property's 5.39 acres. Therefore, the SWM facility will be located on property conveyed to Rockville with DPW providing maintenance for the public SWM facility. Quantity control will be managed by a monetary contribution to the SWM fund.

Sewer service will be provided by extending public sewer mains and connecting to the existing sewer system. The new sewer lines will be designed and constructed by the applicant. Water will be supplied by an existing public water main located in Moore Drive. The applicant will be required to "clean and line" the main to restore the line to its original condition. DPW is investigating the surrounding water system of the immediate area to determine if there is a benefit to connecting the main in Moore Drive to the main in Horners Lane. The sub-water system study includes field testing and computer modeling. If recommended by the study, the applicant will be required to design and construct this connection.

All utilities that are not to be utilized and are located in the right of way will be properly abandoned at their connections to active utilities and completely removed from the right of way.

## **LANDSCAPING/ FOREST AND TREE PRESERVATION**

A landscape plan for this development has been submitted and is under review per the requirements of condition number one (1) noted above. Also, an approved Forest Conservation Plan (FCP) is required, and the applicant is working to finalize it with City staff.

### **Equipment Screening**

All electrical service for this site will be provided underground. All transformers or telecommunications equipment is required by the City of Rockville to be placed underground unless the City of Rockville Planning Commission approves a waiver.

### **PUBLICLY ACCESSIBLE ART IN PRIVATE DEVELOPMENT**

Art must be provided on the site in accordance with the Publicly Accessible Art in Private Development Ordinance established by the City. In the event that art cannot be provided on-site, a payment in lieu of art may be submitted in the amount of \$6,000 (20 units X \$300.00). The art requirement is based on the market rate units only, as per Chapter 4, Section 4-44.

### **STAFF COMMENTS**

This project is a significant step forward in upgrading public housing within the City of Rockville. It has been difficult at times to accomplish the numerous goals of the applicant, the City, and the future residents of this project, given the numerous constraints on the site and the number of units required to make the project feasible. Staff believes that the current version of the plan achieves the applicable goals and is a workable plan that functions aesthetically and fiscally. We feel that this plan will create a vibrant redevelopment that will accomplish a significant goal of providing decent, livable, affordable housing.

### **NOTIFICATION**

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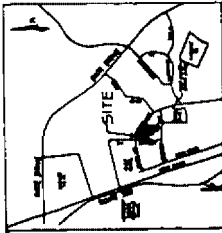
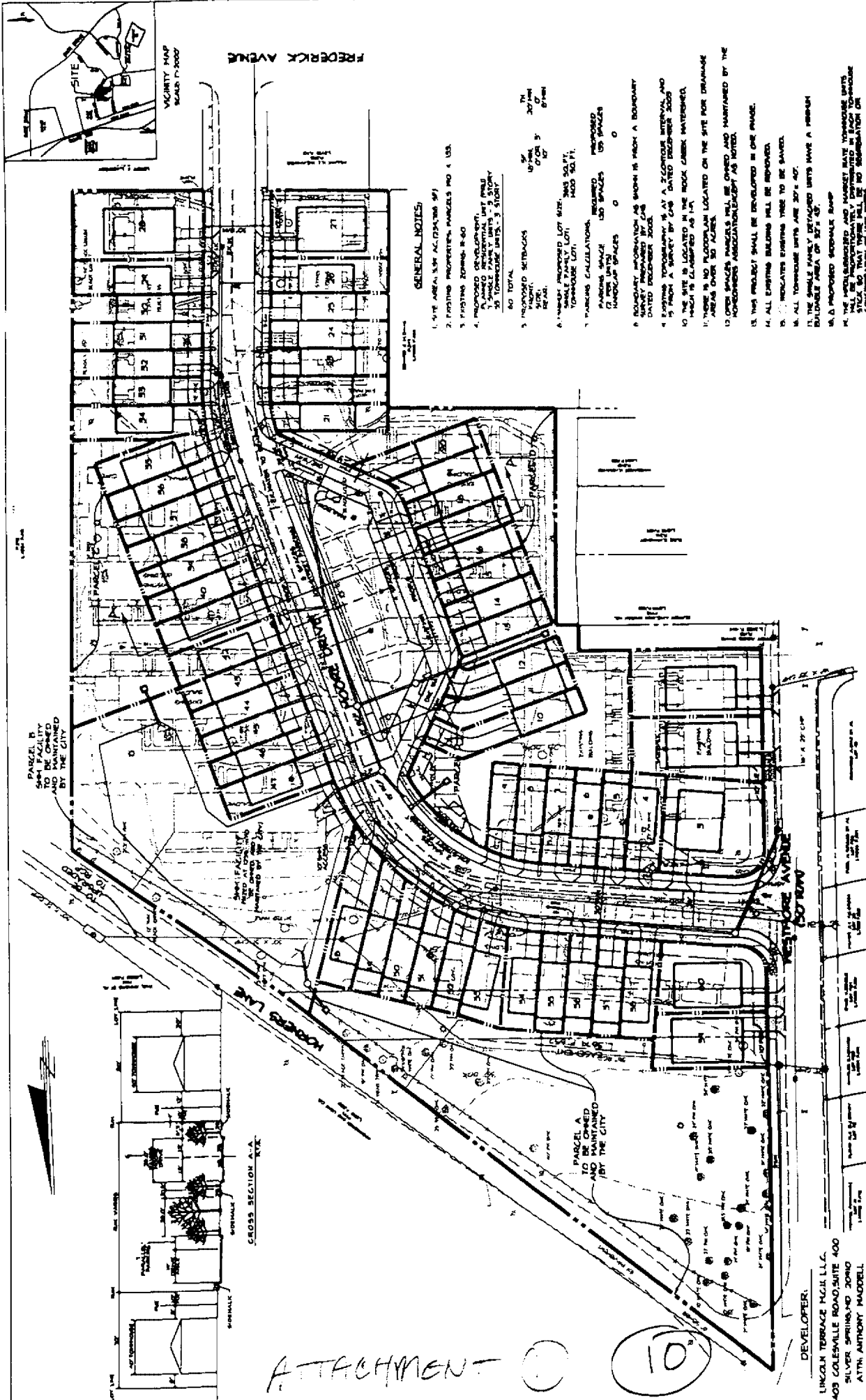
### **APPROVAL LIMITATIONS**

Section 25-565(a) of the Zoning Ordinance requires submission of a detailed application within one year of approval by the Mayor and Council, or the application approval shall expire.

### **CONCLUSION**

It is staff's opinion that this application complies with the goals established by the City for the redevelopment of this housing project, and we recommend approval.

Attachments:



VICINITY MAP  
SCALE 1"=500'

FREDERICK AVENUE

CROSS SECTION A-A  
SCALE 1"=10'

**GENERAL NOTES**

1. SITE AREA: 1.57 AC (107,800 SQ. FT.)
2. EXISTING PROPERTIES: PARCELS 100 & 101
3. EXISTING ZONING: R-40
4. PROPOSED DEVELOPMENT: 1. 1.57 AC (107,800 SQ. FT.)  
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50. 1.57 AC (107,800 SQ. FT.)

<p>DEVELOPER: LINCOLN TERRACE HOLDINGS, LLC 8403 COLESVILLE ROAD, SUITE 400 SILVER SPRING, MD 20910 ATTN: ANTHONY MADDELL 301-562-1800</p>		<p>DATE: SEPTEMBER 2004 DESIGNED BY: THT CHECKED BY: KVC DATE: 9/1/04 BY: [Signature] REVISION: [Signature]</p>		<p>SCALE: 1"=50' JOB NO.: 100034</p>		<p>EXPLORARY APPLICATION</p>		<p>EXPLORARY APPLICATION</p>		<p>EXPLORARY APPLICATION</p>	
<p>100034 LINCOLN TERRACE A 100034 LINCOLN TERRACE A 100034 LINCOLN TERRACE</p>											



ATTACHMENT

10



PRU2004-00021  
Lincoln Terrace

SITE  
Horners Lane

Westmore Avenue

Resolution No. \_\_\_\_\_

RESOLUTION:

To approve, with conditions, the exploratory application for Planned Residential Unit Application No. PRU2004-00021, as modified, Lincoln Terrace, M.C.U., LLC, Applicant

WHEREAS, Lincoln Terrace, M.C.U., LLC, 8403 Colesville Road, Suite 900, Silver Spring, Maryland 20910, filed Planned Residential Unit Application PRU2004-00021, requesting approval of a sixty (60) unit development on approximately 5.39 acres of land on Moore Drive, between Westmore Avenue and Frederick Avenue, Rockville, Maryland, in the Lincoln Park neighborhood (the "property" or "development"); and

WHEREAS, pursuant to Section 25-556 of the Zoning and Planning Ordinance, the Planning Commission, at its meeting of October 13, 2004, reviewed the subject application and recommended approval of the application as set forth in a memorandum dated October 19, 2004; and

WHEREAS, pursuant to Section 25-557 of the Zoning and Planning Ordinance, the Mayor and Council gave notice that a public hearing on said Application would be held by the Mayor and Council of Rockville in the Council Chambers at Rockville City Hall on November 1, 2004, at 7:30 p.m., or as soon thereafter as it may be heard, at which parties in interest and citizens would have an opportunity to be heard; and

WHEREAS, on November 1, 2004, the said application came on for hearing at the time and place indicated in said notice; and

WHEREAS, said matter having been fully considered by the Mayor and Council, the Mayor and Council having found and determined as follows:



**1. THE PROPOSED DEVELOPMENT WILL NOT AFFECT ADVERSELY THE HEALTH OR SAFETY OF PERSONS WHO WILL RESIDE OR WORK IN THE NEIGHBORHOOD OF THE PROPOSED DEVELOPMENT.**

**2. THE PROPOSED DEVELOPMENT WILL NOT BE DETRIMENTAL TO THE PUBLIC WELFARE OR INJURIOUS TO PROPERTY OR IMPROVEMENTS LOCATED OR TO BE LOCATED IN OR ADJACENT TO THE DEVELOPMENT .**

The proposed development of 7 single family detached homes and 53 single family attached homes (or "townhouse" units) is compatible with the predominantly residential development pattern of the surrounding area. The tract currently contains ten two-story multi-family apartment buildings. All buildings are vacant and will be demolished. The proposed development results in a number of amenities including dedication of approximately three acres of parkland and private open space. An access drive will be provided from Moore Drive. The access road will have townhouses around it, and a large landscaped area between the access drive and Moore Drive. The development will have sidewalks, tree lawns, tree preservation and space for adequate replacement planting, as well as afforestation.

**3. THE PROPOSED DEVELOPMENT WILL NOT BE CONTRARY TO THE REQUIREMENTS CONTAINED IN DIVISION 5 OF ARTICLE XII OF THE ZONING AND PLANNING ORDINANCE.**

The proposed development will provide approximately three acres of open space, with 0.88 acres to be dedicated to the City as parkland. The open space is well suited to provide recreational, aesthetic and environmental benefits to the property, as well as the surrounding neighborhoods and the City.

**4. THE PROPOSED DEVELOPMENT WILL NOT BE INCONSISTENT WITH THE INTENT OR PURPOSE OF**

**ARTICLE XII OF THE ZONING AND PLANNING  
ORDINANCE.**

The intent and purpose of the Planned Residential Unit Special Development Procedure is to promote a creative approach to development of residential land, accomplish a more desirable environment than would be possible with the strict application of the requirements of the Zoning and Planning Ordinance, promote the efficient use of land, enhance the appearance and value of neighborhoods, increase the opportunities for home ownership and provide a cohesive environment for new development compatible with existing neighborhoods. As described above, the proposed development satisfies these requirements, producing an environment with more open space, and parkland, provides for more orderly use of land under development resulting in smaller networks of utilities and streets, increases the opportunities for home ownership and provides a cohesive neighborhood environment which has only one vehicular access.

**5. THE PROPOSED DEVELOPMENT WILL NOT  
OVERBURDEN EXISTING PUBLIC SERVICES,  
INCLUDING, WATER, SANITARY SEWER, PUBLIC  
ROADS, STORM DRAINAGE AND OTHER PUBLIC  
IMPROVEMENTS.**

The site is located in the Rock Creek Watershed and there is public water and sewer service to the site. There is an existing six-inch water main located in Moore Drive and sewer service will be provided by extending public sewer mains and connecting to the existing sewer system. A stormwater management facility will be located on the property to be conveyed to the City and maintained by the City. It will provide water quality management for more than the property's 5.39 acres; and

WHEREAS, the Mayor and Council of Rockville, having made the above-referenced findings based upon the entire record in Planned Residential Unit Application No. PRU2004-00021, as modified by the requirements and conditions set forth herein, would promote the health, safety and general welfare of the citizens of the City of Rockville.

NOW, THEREFORE, BE IT RESOLVED BY THE MAYOR AND COUNCIL OF ROCKVILLE, MARYLAND, that the Modified Application for Planned Residential Unit Development Application No. PRU2004-00021, as amended, be, and the same is, hereby approved, subject to the requirements and conditions set forth herein:

#### **DEVELOPMENT PLAN**

1. The property shall be limited to 7 single family detached dwelling units and 53 single family attached dwelling units. The property shall be developed in accordance with the site plan of September 27, 2004 (to be amended to reflect the conditions of this Resolution) which is attached hereto as Exhibit A, and incorporated as part of this resolution, and the revised development standards shown herein in the table entitled "Chart of Development Standards." To the extent that there is a conflict between any of the written terms and conditions in the body of this Resolution and Exhibit A attached hereto, the written terms and conditions in the body of this Resolution shall control.

#### **DEVELOPMENT STANDARDS**

2. Minimum setbacks for each lot shall be the setbacks as shown in the Development Standards Chart set forth below:

## CHART OF DEVELOPMENT STANDARDS

	Min Lot size	Front Setback	Side Yard setback	Rear Yard Setbacks
Single Family Detached	3,600 sq. ft	18' min (house and garage)**	4' min*	10' min
Townhouse	1,400 sq. ft	20' min	0' min*	10' min
Decks			4' (for single family detached, 0' for townhouses)	Within four feet of any rear lot line

Single Family Detached Minimum Buildable Area: 1,376 sq. ft

Height (single family detached and townhouse): 35-feet

Accessory buildings: Accessory structure shall not exceed 10% of the smallest lot within the subdivision (1,400 sq. ft.), nor shall it exceed a 25% rear yard lot coverage. Height shall be limited to 15'.

\* There shall be no condenser units, heat pumps, etc., within the side yards

\*\* A single family house on a corner lot may have an 12-foot setback from Moore Drive, provided there are no driveways.

3. The single family detached residential lots in the development, shall have a minimum lot coverage of 3,600 square feet and the single family attached dwelling units shall have a minimum lot size of 1,400 square feet. All principal buildings within the development shall comply with the 35-foot height requirement. Accessory buildings shall comply with the 15 foot height requirement and the dimension limitations set forth in No. 2 above.

4. The development standards shown on the Development Standards Chart, which is set forth in No. 2 above, shall apply to this development, and to the extent that the Development Standards Chart set forth in this resolution is inconsistent with Exhibit A (the site plan), this resolution shall control.

**STREETS AND PROPERTY ACCESS**

5. Access to the development shall be as shown on the site plan attached hereto as Exhibit A.

(17)

6. The applicant will submit an application for a street closing and abandonment for those portions of Moore Drive that are no longer needed for the development.

### **PUBLIC IMPROVEMENTS**

7. The Applicant will provide the City with easements for all public storm drains and public sanitary sewer systems. The extent and location of these easements shall be determined by the Planning Commission as part of its approval of the Detailed Application.

### **FORESTATION AND TREE PRESERVATION AND LANDSCAPE PLAN**

8. As part of the Detailed Application, the Applicant shall submit for approval by the City Forester and Planning Commission, a revised Forest Conservation Plan. Forest conservation requirements must be met by a combination of on-site and off-site measures. Forestry credit is not available for land in City utility easement areas.

9. The Applicant shall submit a Landscape Plan for approval by the Planning Commission as part of the Detailed Application.

### **HOMEOWNERS ASSOCIATION**

10. A homeowners association (HOA) shall be created by the Applicant for this development. The documents establishing the homeowners association shall be subject to approval by the City Attorney at the time of approval of the Detailed Application.

11. The Applicant shall subject the development to a declaration of covenants, which covenants, among other things, shall set forth the obligations of the homeowners association. These obligations shall include, but are not limited to, the maintenance of the areas owned by the homeowners association as labeled on Exhibit A as parcels "C" and "D." The homeowners'

association documents shall establish a mechanism for funding the cost of maintaining the areas that are the responsibility of the homeowners association. The declaration of covenants shall be approved by the City Attorney and shall provide for access to areas owned by the homeowners association. Prospective purchasers of property in the development will be provided with copies of the homeowners association documents and declaration of covenants prior to entering into a contract to purchase property in the development.

12. The property to be owned by the homeowners association shall be conveyed to the homeowners association no later than the date of the issuance of the first building permit for a single family dwelling unit in the development.

#### **OPEN SPACE AND PARKS**

13. The open space areas shown on Exhibit A shall be as follows:

Parcel A - Parcel to be dedicated to the City for Park	0.89 ac
Parcel B - Stormwater Management (SWM) facility maintained by City	0.59 ac
Parcel C - HOA maintained area behind lots 34-47	0.22 ac
Parcel D - HOA maintained area behind lots 4-21	0.38 ac
Moore Drive right of way, City maintained landscape area	0.88 ac

14. The open space/park area shall be transferred to the City upon thirty days' notice to the Applicant following recordation of the plat for the development creating this open space/park parcel.

#### **WATER AND SEWER**

15. Sewer service will be provided by extending public sewer mains and connecting to the existing sewer system. The new sewer lines will be designed and constructed by the applicant and approved by the City. Water will be supplied by an existing public water main located in Moore Drive. The Applicant shall "clean and line" the water main, per Department of Public Works direction, to its original condition or replace the water main. The Department of

Public Works is conducting a study to determine if there is a benefit to connecting the main in Moore Drive to the main in Horners Lane. If recommended by the study, the applicant will design and construct this connection.

#### **MODERATELY PRICED DWELLING UNITS (MPDUs)**

16. Twenty of the sixty units will be market rate units, twenty units will be part of the MPDU program and an additional 20 units will be subsidized below MPDU prices. The Section 8 Homeownership Program may also be utilized to meet the MPDU requirement.

#### **PEDESTRIAN AND BICYCLE PATHS**

17. Pedestrian and bike access will be provided along Moore Drive and designed to connect to the surrounding streets of Westmore Avenue, Frederick Avenue and Horners Lane.

#### **PARKING**

18. All units will provide two off-street parking spaces within garages or driveways. Approximately 15 on-street parking spaces must be provided in the vicinity of the access drive as shown on Exhibit A.

19. Garages are to be used as garages only and shall not be converted to any other use. This condition shall be contained in the Declaration of Covenants, Conditions and Restrictions in a form to be approved by the City Attorney.

#### **EQUIPMENT SCREENING**

20. All electrical service will be provided underground. All transformers or telecommunications equipment shall be placed underground unless the Planning Commission approves a waiver.

Resolution No. \_\_\_\_\_

-9-

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I hereby certify that the foregoing is a true and correct copy of a  
resolution adopted by the Mayor and Council at its meeting of

\_\_\_\_\_  
Claire F. Funkhouser, CMC, City Clerk

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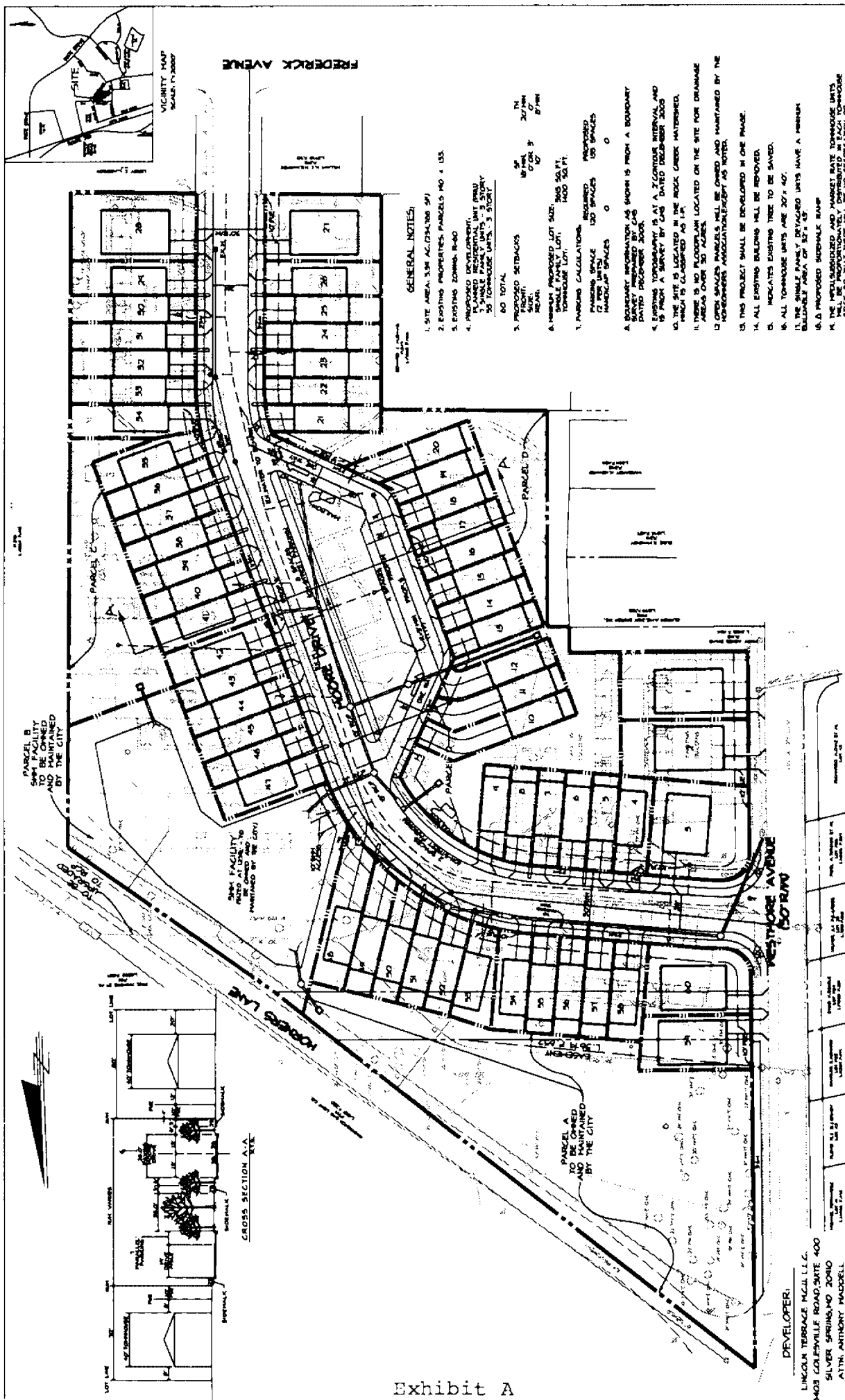


Exhibit A

## Exhibit A

**Apex**  
engineering

2000 CHAMBERS BRANCH WAY, SUITE 200  
ROCKFELLY HARBOR, MD 20850-0422  
301-471-0300 FAX 301-471-0949

DEVELOPER:  
LINCOLN TERRACE M.C. II L.C.  
4043 COLFESVILLE ROAD, SUITE 400  
SILVER SPRING, MD 20910  
ATTN: ANTHONY MADRELL  
301-262-1600

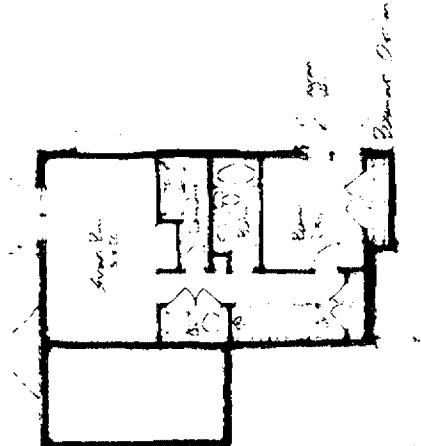
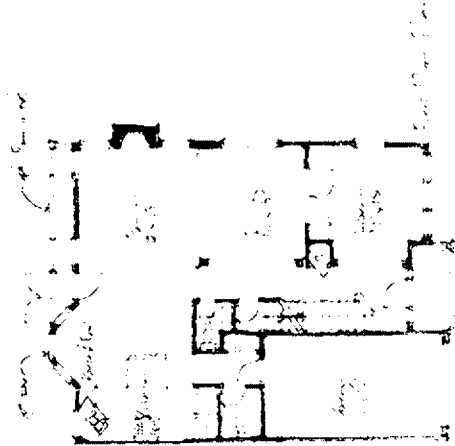
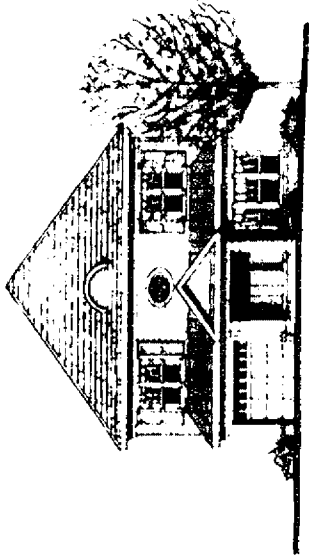
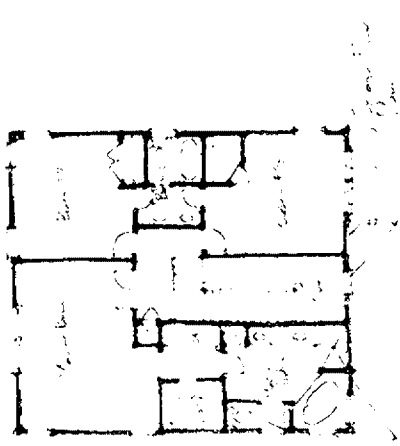
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FLAND 20803-2672  
MAY 30-42-094

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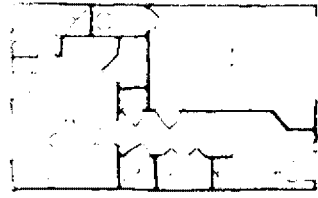
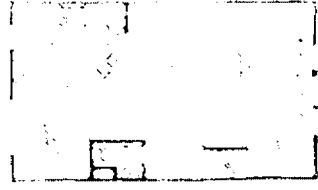
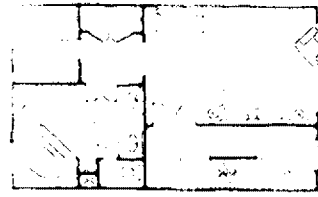
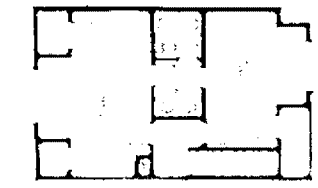
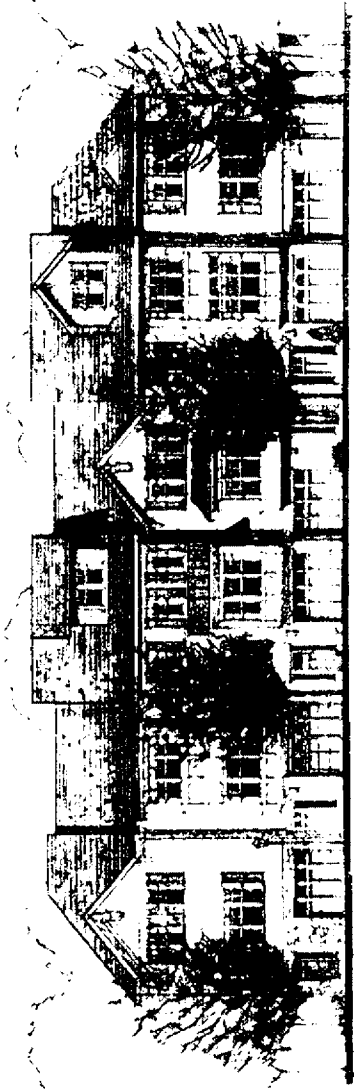
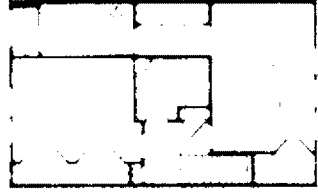
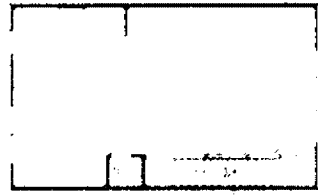
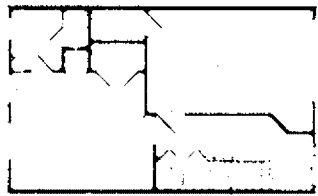
EXPLORATORY APPLICATION

EXPLORATORY APPLICATION  
LINCOLN TERRACE

SHORT	
OF	
T	



SINGLE FAMILY



TOWNHOMES

LINCOLN TERRACE